

Message Text

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C O N F I D E N T I A L SAN JOSE 1478

FOR ASSISTANT SECRETARY TODMAN AND ARA/CEN ONLY

E.O. 11652: GDS
TAGS: PFOR, CS
SUBJECT: VESCO EXTRADITION CASE

REF: SAN JOSE 1477

1. I WANT TO CALL YOUR ATTENTION TO MESSAGE WE ARE SENDING BY SEPTTEL AGAIN URGING A PROMPT DECISION ON THE VESCO EXTRADITION QUESTION. THIS TIME WE SUGGEST CREATION OF AN INTER-AGENCY TASK FORCE BOTH TO CUT THROUGH APPARENT BUREAUCRATIC OBSTACLES TO A DECISION AND TO IMPROVE COMMUNICATIONS BETWEEN VARIOUS USG DEPARTMENTS, AGENCIES, AND OFFICES INVOLVED. IF THERE IS A DECISION TO GO AHEAD, A HWO-FORCE APPROACH WOULD ALSO GIVE US A BADLY-NEEDED CENTRALIZED AUTHORITY AND POINT OF COORDINATION IN THIS CASE.

2. IT HAD BEEN MY INTENTION TO POSE VESCO CASE AS AN ISSUE AGAIN IN THIS YEAR'S PARM. HOWEVER, IN VIEW OF THE SOMEWHAT DIFFERENT COMPOSITION OF THE USG AUDIENCE FOR THIS PARTICULAR ISSUE AND THE NEED FOR A PROMPT DECISION, I DECIDED TO LIFZVIT#FROM THE PARM AND SUBMIT IT SEPARATELY. I WAS FURTHER PROMPTED TO TAKE THIS COURSE BY A RECENT DISCUSSION WITH OUR LOCAL COUNSEL.

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3. WHEN WE LAST TALKED TO OUR LAWYER, HE WAS HIGHLY AGITATED AND ON VERGE OF RESIGNING. HE HAD TALKED TO U.S. ATTORNEY'S OFFICE THE DAY BEFORE AND HAD BEEN TOLD THAT U.S. ATTORNEY WOULD NOT DECIDE WHETHER TO PROCEED UNTIL AFTER DECISIONS WERE ANNOUNCED IN APPEALS OF RECHNITZER AND SPANISH EXTRADITION CASES. SINCE

THIS RUNS DIRECTLY COUNTER TO LAWYER'S ADVICE, (IT IS HIS VIEW THAT DECISIONS IN THOSE CASES COULD FAVOR BUT WILL NOT JEOPARDIZE USG CASE FOR EXTRADITION) AND SINCE THESE DECISIONS NOT NOW EXPECTED UNTIL SOME TIME IN MAY, HE FEELS THIS IS JUST MORE FOOT-DRAGGING. HE ALSO FEELS THAT PRACTICAL EFFECT OF THIS NON-DECISION IS TO FURTHER DECREASE THE TIME AVAILABLE TO PREPARE AN EFFECTIVE CASE FOR FILING PRIOR TO EGO TE ON WHICH VESCO COULD BECOME ELIGIBLE FOR CITIZENSHIP. CONSIDERING CARE WITH WHICH EXTRADITION REQUEST MUST BE DRAWN AND PROBLEMS OF DOCUMENT SELECTION AND TRANSLATION, LAWYER HAS STRONG DOUBTS THAT A SUCCESSFUL CASE CAN BE PREPARED IN A FEW WEEKS TIME. AND, AS YOU KNOW, HE WILL NOT ASSOCIATE HIMSELF WITH THE CASE UNLESS HE IS PERSONALLY CONVINCED THERE ARE REASONABLE PROSPECTS FOR SUCCESS.

4. LAWYER ALSO FELT THAT U.S. ATTORNEY'S OFFICE WAS NOT PAYING SUFFICIENT ATTENTION TO POLITICAL ENVIRONMENT IN WHICH EXTRADITION REQUEST WOULD BE STUDIED AND DEBATED. HE BELIEVED THAT IF A REQUEST WERE TO BE FILED SEVERAL MONTHS FROM NOW AND ALLOWED TO DRAG ON UNTIL DECEMBER OR SO, COURT WOULD FIND A WAY TO DEFER DECISION UNTIL AFTER THE ELECTION. MY OWN CONCERN ON THE POLITICAL ASPECT IS SOMEWHAT DIFFERENT. I THINK THE MORE WE DELAY THE BETTER THE CHANCE THAT ANY VESCO EXTRADITION REQUEST WILL BE INTERPRETED AS U.S. EFFORT TO INFLUENCE OUTCOME OF ELECTION. THERE WILL LIKELY BE SOME POLITICAL FALLOUT NO MATTER WHEN WE MOVE, OR EVEN IF WE DON'T, BUT I THINK IT COULD BE CONSIDERABLY CONFIDENTIAL

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MORE SERIOUS AND LASTING IF WE MOVE LATER RATHER THAN EARLIER. THESE FOREIGN RELATIONS CONSIDERATIONS MUST BE TAKEN INTO ACCOUNT IN DECIDING ON TIMING AND FACT OF A NEW EXTRADITION EFFORT.

"" I THINK IT ESSENTIAL THAT A DECISION BE MADE NOW TO MOVE AHEAD WITH THE EXTRADITION REQUEST, THAT ALL PREPARATORY WORK BE INITIATED IMMEDIATELY SO THAT THE BEST REQUEST POSSIBLE CAN BE FILED AT THE EARLIEST POSSIBLE TIME. CHANGES THAT ARE SUGGESTED BY THE DECISIONS IN THE RECHNITZER OR SPANISH EXTRADITION CASES CAN BE INCORPORATED IN OUR REQUEST AS THEY BECOME KNOWN. KILDAY

NOTE BY OCT: (#) AS RECEIVED.

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